

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No. 1:21-CV-11784-ADB

KARINE BAEZ and JAQUELINI DA
SILVEIRA, on behalf of themselves
and others similarly situated,
Plaintiffs,

v.

KELLERMEYER BERGENSONS
SERVICES, LLC, JS JANITORIAL
SERVICE, INC. and EDIMAR
EVANGELISTA, individually

Defendants.

KELLERMEYER BERGENSONS
SERVICES, LLC
Defendant and Third-Party Plaintiff,

v.

MAJESTIC QUALITY MAINTENANCE,
INC.,
Third Party Defendant.

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND FLSA COLLECTIVE SETTLEMENT**

Plaintiffs, Karine Baez and Jaqueline Da Silveira, on behalf of themselves and all others similarly situated, hereby move for preliminary approval of a proposed class and collective action settlement (“Settlement”) in the above-captioned action. Defendant Kellermeyer Bergensons Services, LLC (“KBS”), and Third-Party Defendant Majestic

Quality Maintenance, Inc. (“MQM”) (collectively “Defendants”), do not oppose this motion. Plaintiffs request the following:

- a. For purposes of settlement only, preliminary approval of the Stipulation of Settlement and Release (“Settlement Agreement”) attached hereto as Exhibit A;
- b. For purposes of the settlement only, preliminary appointment of Plaintiffs Karine Baez and Jaqueline Da Silva, as Class Representatives of the Rule 23 Class and FLSA Collective;
- c. For purposes of settlement only, preliminary appointment of Class Counsel, Raymond Dinsmore, Esq., as counsel for the Rule 23 Class and FLSA Collective;
- d. For purposes of settlement only, conditional certification of the Rule 23 Class consisting of JS-employed janitorial workers who worked at Amazon’s Stoughton and/or Fall River, MA warehouses (as identified in the pre-mediation data produced by MQM) during the period of April 1, 2020, through December 1, 2021
- e. For purposes of settlement only, conditional certification of the FLSA Collective and authorization of Notice to the Collective pursuant to 29 U.S.C. § 216(b).
- f. Approval, as to form and content, of the proposed Notice Forms, attached to the Settlement Agreement as Exhibits 2 and 3;
- g. Approval of *Simpluris, Inc.* as the Settlement Administrator, with the responsibilities set forth in the Settlement Agreement;

- h. Entry of a Preliminary Approval Order in the form attached hereto as Exhibit 4 to the Settlement Agreement; and
- i. A date for the Fairness Hearing no earlier than 120 days after the date of the preliminary approval order.

This Settlement is a fair and reasonable result for the Rule 23 Class and FLSA Collective and was reached only after rigorous arms' length negotiations between the parties. For the reasons set forth in Plaintiffs' attached memorandum of law, Plaintiffs hereby request the Court preliminarily approve this class and collective action settlement pursuant to Rule 23(c) of the Federal Rules of Civil Procedure and the FLSA.

Dated: May 19, 2023

Respectfully submitted,
Attorneys for Plaintiffs
Karine Baez and Jaqueline Da Silveira,

/s/ Raymond Dinsmore
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CERTIFICATE OF SERVICE

I, Raymond E. Dinsmore, hereby certify that on May 15, 2023, a copy of Plaintiffs' Motion for Preliminary Approval of Class Action and FLSA Collective Settlement has been filed electronically through CM/ECF and served electronically on the following counsel of record:

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Dated: May 19, 2023

/s/ Raymond Dinsmore
Raymond Dinsmore